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HUMAN RIGHTS COMMITTEE
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LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE FOURTH PERIODIC REPORT OF PERU (CCPR/C/PER/98/4)

Constitutional and legal framework within which the Covenant (art. 2) and the Optional Protocol (art. 4) are implemented

1. What measures has the State party adopted to implement the views of the Human Rights Committee under the Optional Protocol, in particular with regard to the following cases: Ato del Avellanal v. Peru (No. 202/1986), Muñoz Hermoza v. Peru (No. 203/1986) and Polay Campos v. Peru (No. 577/1994)? Please explain the reasons for the failure to apply article 40 of Act No. 23,506, which provided for the reception and implementation of Committee decisions.

2. Please state what specific measures have been taken to give effect to the Covenant and to implement the Committee's concluding observations (para. 9), in particular concerning the amnesty laws and concerning the lack of effective remedies, including compensation for the victims of human rights violations.

3. What are the powers and functions of the Ombudsman and ad hoc commissions?

4. Please explain what types of laws, including criminal laws, the Executive can promulgate. Do decrees promulgating criminal laws require ratification by the Congress? In what circumstances, under what authority and subject to what safeguards was the offence of "aggravated terrorism" interpreted within the scope of common criminal offences?

States of emergency (art. 4)

5. How have human rights been protected during the states of emergency declared in the course of the period under consideration?

Equality between men and women, and non-discrimination (arts. 3, 24 and 26)

6. What measures have been taken to ensure that women (a) enjoy equality in terms of their participation in education, the workforce and public life, and (b) occupy more positions at the decision-making level in the executive, judicial and legislative branches?

7. Please specify what measures have been taken to repeal the Civil Code and Criminal Code provisions which discriminate against women and to eliminate all discrimination against women (paras. 14, 15 and 22 of the concluding observations), including discrimination with regard to abortion.

8. What powers do State organizations have to effectively protect the rights of women?

9. Please give information on the extent of the problem of violence against women, the number of cases of rape reported and prosecutions resulting in a conviction. Please give examples of the enforcement of the Protection against Family Violence Act (No. 26,763) (report, para. 30).

10. What steps have been taken to protect women against forced sterilization and what remedies exist to provide compensation if it should occur?

Right to life, liberty and security of the person, treatment of prisoners and other persons deprived of liberty (arts. 6, 7, 9 and 10)

11. Please explain the situation regarding the death penalty, in particular in the light of article 140 of the Constitution (paras. 63-67), since Peru's third periodic report.

12. Please explain the procedures for investigating allegations of torture, disappearances, death threats, extrajudicial executions and ill-treatment during detention, and where appropriate, for disciplining or prosecuting.

13. What steps have been taken to give effect to the Committee's concluding observations regarding a strict limitation on time spent in police custody (concluding observations, paras. 23 and 24)? By what authority and according to what criteria can a decision be taken that the 24-hour time limit for bringing a detainee before a judge does not apply, and in respect to which alleged offences (para. 88)?

14. Which are the so-called emergency zones and in what situations may a person be arrested without a judicial warrant? Please explain the functioning of the National Register of Detainees and Persons under Custodial Sentence (RENADESSPLE) (para. 91).

15. Given the large number of prisoners in pre-trial detention, what steps have been taken to correct the situation, in accordance with article 9 of the Covenant? What is the duration of pre-trial detention?

16. Please explain to what extent the penitentiary system guarantees detainees humane treatment, respects their dignity and has as its aim their reformation and social rehabilitation. Please provide information on conditions at the Challapalca penitentiary and at maximum security prisons.

Fair trial and independence of the judiciary (art. 14)

17. Please provide information on the dismissal of judges by the Executive or by Congress and, in particular, on the dismissal of judges Delia Revoredo Marsano de Mur, Manuel Aguirre Roca and Guillermo Rey Terry. Have the judges concerned been restored to their posts? What guarantees exist in order to maintain the independence of the judiciary and the irremovability of ju lges (concluding observations, para. 14)?

18. Can the military courts exercise jurisdiction over civilians?

19. Please explain the system for the review of decisions by the military courts. How many innocent persons have been released? How many persons have received compensation in accordance with article 9, paragraph 5, of the Covenant?

Expulsion of aliens (art. 13)

20. Do aliens expelled from Peru have an opportunity of a hearing and may they ask for a review of the relevant decision (para. 136)?

Religious freedom (art. 18)

21. Please explain how the inequality of treatment in respect to the educational and other activities of certain churches mentioned in paragraphs 175-176 of the report does not negatively affect other religions and convictions.

Freedom of expression (art. 19)

22. What limitations exist on the exercise of freedom of the press and television? Please explain the circumstances of the loss of nationality incurred by Mr. Ivcher Bronstein, President of Channel 2, and the prohibition of his participation in that television channel.

23. In what circumstances did the opposition newspaper Referendum cease publication in September-October 1999? What guarantees of publication are the various press organs given? Do they all receive official announcements from the Government?

Protection of the family and children (arts. 23 and 24)

24. What legal and practical measures have been taken to protect street children from violence and abuse by the security forces and to promote their well-being? What are the powers and functions of the Municipal Offices of the Ombudsman for Children and Adolescents (DEMUNAS) (paras. 201-202)?

Participation in the conduct of public affairs (art. 25)

25. Please comment on the conduct of the elections of May and July 2000 and the relevant constitutional motions in the light of the requirement in article 25 (b) of the Covenant that elections be genuine and ensure universal and equal suffrage and free expression of the will of the electors. Please comment on acts of intimidation and other forms of harassment in the course of elections.

26. Please provide information on acts of intimidation against opposition members of Parliament Gustavo Mohme Llone (recently deceased), Javier Diez Canseco Cisneros, Henry Pease García, Jorge del Castillo and some of their staff and indicate whether the persons responsible have been found and tried.

Right to self-determination and protection of persons belonging to ethnic, religious or linguistic minorities (arts. 1 and 27)

27. Please describe the powers and functions of the Indigenous Affairs Commission established in 1998. Please provide information on the extent of the economic and social marginalization of members of the indigenous communities. What measures have been taken to guarantee to these members the full enjoyment, in conditions of equality, of all the rights established in the Covenant?

28. How is the right to self-determination of indigenous peoples under article 1, paragraph 1, and the control over land and resources, under article 1, paragraph 2, of the Covenant ensured? In particular, how are Amazonian, Andean and coastal indigenous peoples consulted, and how is the sustainability of their culture and way of life secured, in relation to the exploitation of minerals, oil, timber, water and other resources in their traditional territories? Are recent land reforms which promote individualization of title to land traditionally owned by indigenous communities consistent with Peru's obligations under article 27?

29. What is the extent of participation by indigenous peoples in the political, educational and employment spheres in Peru? What measures are taken to increase their participation and to prevent discrimination against them?

Dissemination of information relating to the Covenant (art. 2)

30. Please indicate what measures have been taken to disseminate information on the submission of the report, on its consideration by the Committee and, in particular, on the Committee's concluding observations concerning Peru's third periodic report. Please provide information on education and training concerning the Covenant and its Optional Protocol given to government officials, teachers, judges, lawyers and police officers.